

APRIL 26, 1951.

Hon. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,**House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 2514) for the relief of Maria Theresa Stancola, an alien.

The bill would render the provisions of the eleventh category of section 3 of the Immigration Act of 1917, as amended (8. U. S. C. 136 (e)), inapplicable to Mrs. Maria Theresa Stancola, German wife of Joseph J. Stancola, a United States citizen serving in the United States Armed Forces, with respect to any conviction or admission of the commission of any crime in her case of which the Departments of State and Justice have knowledge on the date of its enactment.

The files of the Immigration and Naturalization Service of this Department disclose that Mrs. Maria Theresa Stancola, nee Klinkenberg, is a native and citizen of Germany, having been born in Krefeld, Germany, on February 10, 1927. She is presently residing in Frankfurt, Germany. Her husband, Sgt. Joseph J. Stancola of the United States Army, is presently stationed in Granite City, Ill. They were married in Frankfurt, Germany, on June 2, 1950, and a month later Sergeant Stancola received orders to return to the United States. It appears that he was unable to obtain the issuance of an immigration visa to Mrs. Stancola because she had been charged in 1946 with the theft of clothing, had signed a confession and had been held in jail for several weeks.

The files further reflect that Sergeant Stancola was born near Uniontown, Pa., on March 21, 1918, and that he has been in the United States Army for the greater part of the time since his first enlistment in 1940. He was first married in Chicago, Ill., on February 18, 1946, the marriage terminating in divorce on December 23, 1947. His parents are deceased. His sister resides in Hazelton, Idaho. The record indicates that the alien is not employed, resides with friends in Germany, and is supported by her husband. Sergeant Stancola stated that his wife's parents are divorced and that her mother resides in Krefeld, Germany.

In view of the information contained in the record and the statements by Sergeant Stancola that the alien was charged in Germany with theft of clothing, that she signed a confession of guilt as charged, and that she was held in jail for several weeks, she is excludable from the United States under the provisions of the eleventh category of section 3 of the Immigration Act of February 5, 1917, as amended, and an immigration visa may not be issued to her. In the absence of special legislation she is unable to join her husband in this country.

Whether, under the circumstances as related by Sergeant Stancola, the general provisions of the immigration laws should be waived in this case presents a question of legislative policy concerning which this Department prefers not to make any recommendation.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Mr. Wood of Idaho, the author of this bill, appeared before a subcommittee of the Committee on the Judiciary and urged the enactment of his measure. Mr. Wood's statement, with enclosures, reads as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 8, 1951.

Reference is made to H. R. 2514 for the relief of Maria Theresa Stancola, wife of Joseph J. Stancola, sergeant first class, of the United States Army, which is now pending before your committee.

Sergeant Stancola, a resident of Idaho, enlisted in the United States Army 10 years ago and has served honorably since that time, much of his service having been overseas. While stationed in Germany, he married Maria Theresa Klinkenberg, a native and citizen of Germany, on June 2, 1950.

In an effort to properly present this case to your committee, I have read very carefully the report of Peyton Ford, Deputy Attorney General, dated April 26, 1951, the various letters received from Sergeant Stancola, and also discussed this matter in detail with him personally.

The facts, as I find them, are that several years prior to her marriage, Maria Theresa Stancola, nee Klinkenberg, was employed as a maid by a German woman. Like many other German girls, after World War II, she was practically destitute

of clothing and considered wearing some of her employer's clothes to meet some relatives and friends, who were visiting in the city; and went so far as to hang some of these clothes in her closet, but did not wear them or remove them from the house. When she returned from visiting with her friends, she found that her employer had locked the closet containing the clothing; and becoming frightened, she ran away.

Later, she was picked up by the police, accused of theft, and apparently signed a confession of guilt, although she was so badly frightened at the time that she does not recollect whether she signed such a confession or not. However, she was held in jail for 2 weeks and then released.

At the most, the charge could not have been more than a contemplated misdemeanor—the thoughtless impulse of a poverty-stricken, homeless girl.

Sergeant Stancola advised me he was familiar with all these facts prior to his marriage; and that he is very anxious to have his wife join him here in the United States.

Sergeant Stancola plans to continue as a soldier in the United States Army; but is very much disturbed that he may be sent to the Orient before his wife can join him here.

I feel very confident that her entry will contribute materially to his morale and efficiency. There can be no question as to his loyalty after 10 years of honorable service.

Attached hereto is letter just received from Sergeant Stancola in which he offers to come to Washington and appear personally before your committee.

I hope that this information will be helpful to your committee and that H. R. 2514 will receive your favorable consideration.

Respectfully submitted.

JOHN T. WOOD,
Member of Congress.

MAY 4, 1951.

Hon. JOHN T. WOOD,

House of Representatives, Washington 25, D. C.

DEAR MR. WOOD: I am enclosing your file copy of the letter from the chairman of the Judiciary Committee and I want to thank you for sending it to me to read. I am praying that everything goes all right and that my wife is in the United States before very long. As to the facts in the case—

My wife, Mrs. Stancola, was accused of stealing some clothes from a German woman where she was employed as a maid. She really didn't take anything, but I guess that she was going to take them as she put the clothes in her closet and went away for a while. When she came back later to the house she found that the woman had locked her closet with the clothes in it, and getting frightened and scared she ran away. She was picked up later by the German police and apparently she signed a confession of guilt, she really doesn't know if she signed anything or not as she was pretty badly frightened at the time and she also is very nervous, and I never could find out if she did. She was sentenced to 3 weeks in jail and she served 2 weeks.

I knew all about this long before I married her, and to me it made no difference, so I married her and found out that she would not be granted a visa to enter this country. I want her here with me regardless. It has been almost a year since I left her and as she is highly nervous and worrying all the time she has made herself sick and I am almost ready to do anything to get her over in this country with me.

Do you think that it would do any good if I went to Washington to appear before the committee in person, and would it do me any good?

Thanking you again for all the fine help that you have given me in this matter and I hope to hear again from you real soon.

Sincerely yours,

SIC JOSEPH J. STANCOLA,
19010635, Seven Hundred and Thirty-eighth Engineer Supply Point
Company, Camp McCoy, Wis.

In view of the fact that similar legislation has been enacted by the Congress on numerous occasions and, having considered all the facts in this case, the committee is of the opinion that H. R. 2514, as amended, should be enacted and it accordingly recommends that the bill do pass.

